

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION**

IN RE:

LATASHA CHANTA TENNIAL,

Debtor(s)

BANK OF AMERICA, N.A.

Movant,

V.

LATASHA CHANTA TENNIAL,

SYLVIA F. BROWN, Trustee

Respondent(s)

CASE NO: 18-28470

CHAPTER 13

JUDGE JENNIE D. LATTA

**MOTION FOR RELIEF FROM AUTOMATIC STAY REGARDING PROPERTY
LOCATED AT 4573 FAWN HOLLOW COVE, MEMPHIS, TENNESSEE 38141**

COMES NOW Bank of America, N.A. (hereinafter “Movant”), a secured creditor in the above-captioned case, by and through counsel, Brock & Scott, PLLC, and moves this Court to enter an order granting its request for relief from the automatic stay on the following grounds:

1. On October 10, 2018, the Debtor, Latasha Chanta Tennial, filed a petition with the Bankruptcy Court for the Western District of Tennessee under Chapter 13 of Title 11 of the United States Code. Sylvia F. Brown of Memphis, Tennessee was appointed Trustee.

2. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 1334 and 157. This is a contested matter pursuant to Bankruptcy Rule 9014.

3. Upon information and belief, on the date the petition was filed, the Debtor resided at the real property commonly known as 4573 Fawn Hollow Cove, Memphis, TN 38141.

4. Movant initiated a foreclosure on the subject Deed of Trust due to the default in payments by the Debtor. The subject property where the Debtor is currently residing was foreclosed upon by Movant with a foreclosure sale being held on September 4, 2014 (See Exhibit A).

5. Movant desires to proceed with the eviction for the subject property.

6. Movant has incurred the additional expense of attorney's fees in instituting this action and the Debtor is responsible to pay reasonable attorney's fees as allowed by law.

WHEREFORE, Movant prays the Court as follows:

1. Modify the Automatic Stay of Section 362(a) of the Bankruptcy Code to permit Movant to complete foreclosure of that certain Deed of Trust recorded in Instrument # 08003385, Shelby County Register of Deeds, Tennessee and proceed with eviction for the subject property.

2. Modify Rule 4001(a)(3) of the Bankruptcy Code so that it is not applicable in this case and so Movant may immediately enforce and implement this order granting relief from the automatic stay.

3. Grant Movant such other and further relief as the Court deems just and proper.

This 20th day of December, 2018.

/s/ Shilpini Burris
Shilpini Burris
Attorney for Movant
Brock & Scott, PLLC
6 Cadillac Dr. Suite 140
Brentwood, TN 37027
Email: tnbkr@brockandscott.com
TN State Bar No. 35526

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Motion for Relief from Automatic Stay has/have been electronically served or mailed, postage prepaid on December 20, 2018 to the following:

Latasha Chanta Tennial
4573 Fawn Hollow
Memphis, TN 38141

Sylvia F. Brown
200 Jefferson Ave. Suite #1113
Memphis, TN 38103

Jimmy E. McElroy
3780 S. Mendenhall
Memphis, TN 38115

U.S. Trustee
One Memphis Place
200 Jefferson Avenue, Suite 400
Memphis, TN 38103

This 20th day of December, 2018.

/s/ Shilpini Burris
Shilpini Burris